

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 19, 2007. Claims 138 to 149 are pending in the application, of which Claims 138, 142 and 146 are independent. Reconsideration and further examination are respectfully requested.

Claims 146 to 149 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. Specifically, the Examiner contended that the specification did not disclose a memory medium storing computer executable code. Applicants respectfully disagree with the Examiner's characterization of the specification. Applicant respectfully directs the Examiner's attention to Fig. 3 where the hardware components of a printer, such as printers PT1 and PT2 of Fig. 1, are shown. The printer includes controller 41 that is described in the specification as having a CPU, a program memory and a data memory. (See page 6, lines 9 to 10.) Furthermore, the software structure of the printer is shown in Fig. 6. One of the constituents of the printer software is printer manager 205 that controls the printer. Applicant respectfully submits that the program memory of controller 41 storing printer manager software 205 is readily understood by someone skilled in the art of printers as "a memory medium, storing computer-executable code." Accordingly, Applicant respectfully requests withdrawal of this rejection.

Claims 138 to 145 and 146 to 149 were rejected under 35 U.S.C. § 251 as allegedly being based upon new matter added to the patent for which reissue is sought, and under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. According to the Office Action, the claims allegedly contain subject matter which

was not described in the specification in such a way as to enable one skilled in the relevant art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, the Examiner states that no information can be found in the specification that enables one of ordinary skill in the art to use the feature of “specifying means for, if said determination means determines that the print count value counted by the print counting means reaches the predetermined value, specifying the trouble count value counted by the trouble counting means until the print count value reaches the predetermined value.”

Without conceding the correctness of the rejection, the element “specifying means” has been deleted from the claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 138 to 151 are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 4,206,996 (Clark) in view of U.S. Patent No. 5,270,775 (Suzuki). Claims 152 to 158 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,172,244 (Nakahara) in view of U.S. Patent No. 4,905,098 (Sakata). Reconsideration and withdrawal of these rejections are respectfully requested.

Turning to specific claim language, amended independent Claim 138 is directed to an output control apparatus communicating with an information processing apparatus via a network and controlling a printer, the output control apparatus. The apparatus includes print counting means for counting a print count value indicating a number of prints in response to delivery of a print sheet printed by the printer; first trouble counting means for counting a first trouble count value indicating a number of print troubles of the printer; second trouble counting means for counting a second trouble count value indicating a number of print troubles which occur until the print count value counted by the print counting means reaches a predetermined

value; determination means for determining whether or not the print count value counted by the print counting means reaches the predetermined value; transmission control means for controlling transmission of trouble data including the second trouble count value counted by the second trouble counting means to the information processing apparatus via the network, without receiving a request for outputting the second trouble count value from the information processing apparatus, if the determination means determines that the print count value counted by the print counting means reaches the predetermined value; and initialization means for, if the determination means determines that the print count value counted by the print counting means reaches the predetermined value, initializing the second trouble count value counted by the second trouble counting means, without accepting a manual operation by the user. The second trouble counting means repeatedly counts the number of print troubles which occur for the number of prints of the predetermined value.

In the claims, a second counting means has been newly introduced, which counts a second trouble count value indicating a number of print troubles which occur until the print count value reaches a predetermined value. The functionality of the second counting means is disclosed in the specification in Fig. 28, step S3017, operation "TRB-CNT+1." The claims have also been amended to clarify that the transmission control means controls transmission of trouble data including the second trouble count value to the information processing apparatus via the network, without receiving a request for outputting the second trouble count value from the information processing apparatus, if the determination means determines that the print count value reaches the predetermined value as shown in Fig. 28, step S3014, operation "1 -> F." Furthermore, the claims have been amended to clarify that the initialization means initializes the second trouble count value (as shown in Fig. 28, step S3014, operation 0->TRB-CNT), if the

determination means determines that the print count value reaches the predetermined value.

Finally, the claims have been amended to recite that the second trouble counting means repeatedly counts the number of print troubles which occur for the number of prints of the predetermined value as described on Page 20, Line 64, through Page 21, Line 1 of the specification.

Applicant respectfully submits that the cited references, namely Clark and Suzuki, considered either alone or in combination, fail to disclose or suggest all of the features of the output control apparatus of Claim 138. In particular, the cited references, either alone or in combination, fail to disclose or suggest at least the features of the second trouble counting means which repeatedly counts the number of print troubles which occur for the number of prints of the predetermined value. By virtue of this feature, the output control apparatus can supply a print trouble or problem count for a predetermined number of pages printed by a printer. For example, assume the second trouble counting means counts the number of printing problems which occur every 100 printed pages, and the printer receives print job A with 50 pages, print job B with 40 pages, print job C with 30 pages and print job D with 100 pages. In this case, the second trouble counting means counts the number of print problems which occur during the printing of all 50 pages of the print job A, all 40 pages of the print job B and the first 10 pages of the print job C. The counter is then reset and then counts the number of print problems during the printing of the last 20 pages of the print job C and the first 80 pages of the print job D, and so on. Namely, the second trouble counting means always counts the number of printing problems which occur every 100 print sheets in the plurality of print jobs. Thus a data processing apparatus coupled to the output control apparatus may be able to discern a print problem frequency per printed page as to merely finding out a total of print problems starting from some unknown time.

In contrast, Clark discloses counting the number of jammed copies which occur during copying on the second side of a sheet. However, nothing in Clark is seen to disclose or suggest a second trouble counting means for counting a second trouble count value indicating a number of print troubles which occur until the print count value reaches a predetermined value, a determination means for determining whether or not the print count value reaches the predetermined value, a transmission control means for controlling transmission of trouble data including the second trouble count value to the information processing apparatus, without receiving a request for outputting the second trouble count value from the information processing apparatus, if it is determined that the print count value counted by said print counting means reaches the predetermined value, and an initialization means for, if it is determined that the print count value counted by said print counting means reaches the predetermined value, initializing the second trouble count value, without accepting a manual operation by the user, wherein the second trouble counting means repeatedly counts the number of print troubles which occur for the number of prints of the predetermined value.

In addition, Suzuki merely discloses different types of status information that may be communicated from the copy machine. Suzuki discloses that for a group of copying machines, various status data may be transmitted. The status data may include department account data A, charge data B based on count meters of the copying machines, physical distribution data D on the number of copies made per type of paper in each copying machine, and maintenance data N on items such as the number of toner replacements, the number of jams, the starting time and ending time of use for each day, and the number of operations. However, nowhere is Suzuki seen to disclose that which is lacking in Clark, namely a disclosure or

suggestion of the second trouble counting means, the determination means, the transmission control means; and the initialization means of Claim 138.

Thus, Clark and Suzuki, either alone or in combination, fail to disclose or suggest all of the features of amended independent Claim 138. In light of this deficiency in Clark and Suzuki, Applicant submits that amended independent Claim 138 is now in condition for allowance and respectfully requests same.

Amended independent Claims 142 and 146 are directed to a method and a memory medium, respectively, corresponding to the apparatus of Claim 138. Therefore, Applicant submits that Claims 142 and 146 are also now in condition for allowance and such action is respectfully requested.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

REQUEST FOR PERSONAL INTERVIEW

Applicant requests that the Examiner conduct a personal or telephonic interview with Applicant's representative. If such an interview has not been conducted before the Examiner next takes up the case for consideration, Applicant respectfully requests that the Examiner contact Applicant's representative as indicated below.

CONCLUSION

No claim fees are believed due; however, should it be determined that additional claim fees are required, the Director is hereby authorized to charge such fees to Deposit Account 50-3939.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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